

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 21, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, February 21, 2006, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller, Breakthrough Worship Center, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He stated that projects are relatively slow this time of year. He said that the Fort Eustis Boulevard extension was moving along and that the intersection of Cary's Chapel Road and Route 171 is virtually complete. He noted that VDOT had been getting positive feedback from the community regarding traffic impacts as far as no through truck traffic was concerned.

Mr. Shepperd asked about the status of the improvements at the Big Bethel Road intersection with Routes 171 and 134.

Mr. Brewer stated the project is still on schedule.

Mr. Shepperd asked about Mansion Road, noting the paving had been delayed. He asked Mr. Brewer if the delay was a surprise.

Mr. Brewer stated that the funding had been delayed. He noted it had been in the schedule to do the overlay for this coming year, and after July the project would be able to proceed. He said he would follow up and advise Mr. Shepperd.

Mr. Bowman asked for an update on the VDOT building on Seaford Road.

Mr. Brewer reviewed the plans for the new VDOT maintenance facility in Seaford.

Mrs. Noll spoke of the no through truck traffic signs and how the homeowners association has worked with VDOT because of the safety issue dealing with trucks using Coventry as a cut through. She stated VDOT was kind enough to allow the no through truck signs to be put up.

Mr. Zaremba spoke concerning Route 199 and the Lightfoot corridor in York County and the difference in the landscaping in comparison to the James City County portion. He stated it is obvious that the County has made a big investment with respect to trees and vegetation to make that corridor a very scenic one. He asked Mr. Brewer if he had any idea when the non-York County portion would start to look more like that of the York County portion in light of the upcoming 225th anniversary celebration in Yorktown and the 400th anniversary celebration in Jamestown.

Mr. Brewer stated he did not know what James City County had planned. He had not seen any plans in their upcoming projects, and he did not know whether or not they were planning to do anything in that area.

Mr. Zaremba asked Mr. Brewer to find out if James City County and Williamsburg has any plans for beefing up the landscaping on Route 199 down to the center of Williamsburg.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARD AND COMMISSIONS

Chairman Zaremba introduced and welcomed Penny L. Showalter as the newest appointee to the York County Library Board and presented her with a Boards and Commissions Handbook and York County pin.

CITIZENS COMMENT PERIOD

Mr. James Chapman, 130 Yorkshire Drive, addressed his concern with the recent property assessments. He stated his assessment went up 29 percent this year, and 67 percent over the past 5 years. He said he thought many of the County citizens had seen the same type of increase in the value of their property and the effect that it would have on their personal property taxes. He explained a comparison he had done of 4 pieces of property in York County he asked the Board to take into consideration the impact that the recent assessments were having on the individual citizens when they are looking at the budget process,

Ms. Delphia Hedgepeth, 202 Yorkview Road, stated she understands that it is the County's obligation to assess property at fair market value, and the Board has a big responsibility in trying to determine what the needs of the residents of the County are and then trying to balance those needs against the revenue that is available. She spoke of how the Board this year directed Mr. McReynolds to develop a budget that did not take into consideration the fact that the tax rate would stay the same and would necessarily increase by a large amount. She expressed her concern that there are a lot of people who have lived in this County for years who have owned their property and made contributions to the welfare of the citizens and the schools, and many of them did not have a cost of living increase in their budget. She stated the Board was elected to do a big job, and all of the citizens who may not be so well off are looking to the Board to take responsible action when developing the tax rate.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported on recent actions of the General Assembly, stating this year the General Assembly seemed to have turned its focus onto local government more so than it has many other years in the past. He stated that the list of bills he normally monitors had gone from 150 to around 250, and he would forward the Board a copy of his detailed list with the status of the bills as soon as possible.

Mr. Bowman asked if there were any mandated bills that might impact the Board for next year's budget.

Mr. Barnett stated there were none that had significant impacts. He stated the local E911 tax is going to be replaced by a state tax with a significantly lower rate than what the County has now. It will be capped at 75 cents per month on both landlines and wireless lines per phone with a state tax to be redistributed to localities. It is hoped to be revenue neutral because it is also coupled with the statewide sales and use tax on a variety of kinds of telecommunications, paging systems, and video services that were not covered before. He then explained the new way cable television franchises would be handled. He stated that the revenue will work out to be about the same, but that to a degree it would lessen local control over cable television providers.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated that over the course of the next six weeks most of the Board's meetings would concentrate on the budget. He said there was a tentatively scheduled work session next week; but if staff received direction from the Board tonight regarding the public safety positions, there might not be the need to have that particular work session. He reminded the Board of the following meetings: a Regular Meeting on March 7 when the proposed FY 2007 budget would be presented to the Board with a work session following; a work session on March 14 to discuss the FY 2007 budget; the March 21 Regular Meeting; the Public Hearing on the budget is scheduled for March 23; on March 28 a work session on the proposed budget; and adoption of the budget is scheduled for April 4.

MATTERS PRESENTED BY THE BOARD

Mr. Burgett reported that the Board's annual retreat was held on February 11, and that a lot of good information was shared. He said the Board had received numerous phone calls and emails regarding the tax assessments and that it is looking at a reduction in the current rate to ease the burden on citizens. He stated he was disappointed that the payday lender bill ended up being killed by the payday loan lobby. He noted that one of the items discussed at the retreat was to at least control these activities with special use permits. He said he noticed that cars for sale are still being parked on grassy areas along Route 17, and as part of the Route 17 revitalization the Board is trying to eliminate this type of thing from occurring.

Mr. Shepperd stated he wanted to convey to citizens not to directly associate the tax rate from the past with their current assessments. He said that smart government dictates that the Board be good stewards of the County's money and spend it appropriately on public safety, health, and value of the community. He stressed that the tax rate will be reduced, and he added that the County Administrator was proposing a budget that included a reduction to the tax rate.

Mrs. Noll stated there was a surplus in the state budget, but there has not been enough money to adequately take care of the needs of the citizens in the areas of mental health, education, and transportation. She added that the General Assembly is looking for a funding formula for transportation that will not depend only on the general revenue that comes in because that takes funding away from education, mental health, and public safety. She stated the Board tries very hard to balance wants and needs of the County, and she would like to hear from the citizens how they would feel about going to a yearly assessment. Mrs. Noll also noted that the Board is expecting a budget that will lower the tax rate by at least ten cents.

Mr. Bowman reiterated Mr. Burgett's comments on the payday lenders. He stated he had attended and spoken at Black History Month and wanted to commend Mr. Sherman Hill for the fine job he did hosting the forum. He said he had the opportunity to speak to several homeowners associations regarding the tax rate, assessments, and some of the latest developments within the County. He stated that many of the citizens he had spoken with did not understand how the system of taxes and assessments worked. He said that supply and demand is what drives the system, and York County is one area of the highest demand on the Peninsula. He added that people like the quality of life and services York County offers, and more and more people will look at moving to the County when the tax rate is lowered. He invited the citizens to get involved and be part of the actions. He said that the Board members or Mr. McReynolds would be happy to talk with a group to get them educated on the process.

Mr. Zaremba indicated the budget would be balanced, and the Board had an objective approach to evaluating additional requests for personnel and services. He requested that the citizens keep their communication coming to the Board as it wants a strong feeling on how the citizens feel on this very important subject. Mr. Zaremba talked about the payday lender bill being withdrawn, noting that the Board discussed payday lenders, tattoo parlors, and pawnshops at its retreat. He noted that the County cannot keep these types of businesses out of the County, and the Board discussed what zoning districts these businesses should fall into as a means to control where they are located. The Board has requested that the County Adminis-

trator have this issue added to the next citizens survey to see where the citizens feel these types of businesses should be located. He then provided information on the 225th anniversary celebration at Yorktown and the 400th anniversary of Jamestown.

Meeting Recessed. At 7:03 p.m., Chairman Zaremba declared a short recess.

Meeting Reconvened. At 7:12 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC FORUM

PROPOSED FISCAL YEAR 2006 BUDGET

Chairman Zaremba called to order a Public Forum that was duly advertised as required by law on the proposed FY2007 budget.

Mr. Earl Joyner, representing the York-Poquoson Chapter of the American Red Cross, stated that as Chairman of the Board of Directors he was seeking continued County support for funding. He gave an overview of the activities for 2004 through 2005, and he asked for continued funding to support Red Cross activities.

Ms. Sheila Myers, York County Arts Commission, spoke of the different organizations/programs that are impacted positively by the funding contributions made by the Board of Supervisors. She stated the funding not only improves the quality of life for County citizens, but it also impacts the economic development of the area. She thanked the Board for its continued support of the arts programs.

Mr. John McCrimmon, Retired & Senior Volunteer Program of the Virginia Peninsula (RSVP), thanked the Board for its past contributions to support community volunteers. He stated he provided the Board with a pamphlet entitled "Senior Safety Tips" that was produced to try to provide a handy way for seniors and others to have some common sense safety tips in their lives. RSVP had received a grant for the pamphlet and had already distributed over 8,000 copies. He wanted to make the Board aware that RSVP tries very hard to provide information that seniors across the Peninsula could use to make their lives better, safer, and more self-sufficient, and he asked the Board to continue its support of RSVP.

Mr. Bill Massey, Peninsula Agency on Aging (PAA), said that PAA was pleased to partner with the County and other senior service providers to assist York County seniors in maintaining their quality of life. Some of the services provided by PAA in fiscal year 2005 were: 858 hours of adult day care; 7,235 meals were served at the York County Senior Center; 3,159 home delivered meals paid for by PAA in support of the York County Meals on Wheels program; 1,481 hours of home care were provided; 3,039 one-way trips were provided to medical appointments and to the Senior Center. He thanked the Board for its past support and stated the PAA looks forward to continuing to work with the County to provide for its seniors.

Ms. Nancy Fazzone, Executive Director, Rita Welsh Adult Literacy Program, explained that the program is an independent nonprofit agency located at the College of William and Mary that provides individualized instruction for the development of adult literacy. She explained the services they provide and the eligibility requirements for the program. She said that more than 10 percent of program participants are from upper York County, and the program is funded primarily from the United Way of Greater Williamsburg, local governments, friends, various foundations, and corporations. She thanked the Board for the opportunity to speak and that the program looked forward to support from the County.

Mr. Glenn Brazelton, Chairman of the York County Historical Committee, expressed appreciation to the Board its continued support. He said the committee wanted to focus on the future of the 225th anniversary celebration in October and the Jamestown anniversary in 2007 that is on the near horizon. He stated the committee members are striving to transform the committee into a broader range of historical and preservation needs within York County. He said they

are moving to establish a long-range planning group to work with the York County Planning Division to help address identified needs and implementation strategies. He noted that York County historic resources provide a tremendous economic engine to this whole area, and the committee hopes to take a more active role in supporting County Administration and the County citizens in preserving and promoting this historical engine.

Ms. Bonnie Karwac, President of the Board of the York County Historical Museum, spoke about the museum and said what a great place it is for visitors to visit without having to pay admission. She added that the museum continues to work with artifacts covering centuries of history. She stated they are in the process of installing new exhibits on the Lee House, Naval Weapons Station, and the USS Yorktown. She asked the Board to support this endeavor.

Ms. Courtney Darden, representing Hampton Bay Days, requested funding for various items within the Hampton Bay Days arena with the primary focus on the bay education arena, specifically funding for the Waterman's Museum exhibit. She noted that this arena is a great place for children and adults to come and learn about the education and preservation of the Chesapeake Bay. Ms. Darden thanked the Board for its support.

Dr. Jim Shaw, Director of the Lackey Free Family Clinic, said the clinic currently has 40 volunteer physicians and nurse practitioners, 6 dentists, 6 pharmacists, and over 100 volunteers who work for the clinic. He explained the services they offer, and stated in 2005 they had seen 2,800 patients and provided medical care worth almost \$1.8 million. He noted they had seen 750 patients from York County and provided \$425,000 worth of free care. Dr. Shaw stated the clinic was requesting about 1 percent of its current budget for the upcoming year from York County. He stated that this amount falls below the State level of approximately 8 percent of local government funding for free clinics throughout Virginia. Dr. Shaw expressed appreciation to the Board for its support over the past 10 years.

Ms. Meghan Foster, Peninsula READS, thanked the Board for its past funding. She stated that according to the 2000 census data, over 3,000 adults living in York County and Poquoson do not speak English and over 7,000 adults cannot read. She said she would like the Board to consider the partnership recently formed between Peninsula READS and Community Housing Partners to provide literacy services to adults living at the Woods of Yorktown. She stated that the residents who had expressed an interest in the program work in York County and are interested in improving their education, their English, and also obtaining a GED. Ms. Foster stated that the increase in the requested funding would also help them to increase awareness in York County and Poquoson.

Ms. Karla Dauler, spoke on behalf of the Colonial Services Board as a former consumer of their services, stating how after an illness those services had restored her as someone who could contribute back to the community.

Mr. Dick Schreiber, President and CEO of the Williamsburg Area Chamber of Commerce and Convention & Visitors Bureau, thanked the Board for all its support in the past. He said that during the year 2005 the combination of a campaign conducted by the Williamsburg Area Destination Marketing Committee, the opening of the Great Wolf Lodge, and other factors combined had helped to increase room taxes and room tax revenues in York County by over 22 percent and meal taxes by over 10 percent equaling almost \$800,000 in growth. He stated they had approached many private funding sources, and together they have invested a sum equal to \$2.6 million that will be added to what they expect to be the \$3.4 million that will be collected from the \$2.00 assessment enacted in 2004 after authorization by the legislature. He stated that would get them to a budget this year of \$6 million up from \$4 million. Mr. Schreiber asked that the Board consider providing a portion of what was generated last year in growth in room taxes, \$400,000, for an investment in the program of joining with the private funders to invest in what they think is a good future for tourism and a very important future for the County and the entire Community.

Ms. Catherine Chaplain, Director of Sales and Management for Great Wolf Lodge, asked the Board for its consideration of the request by the Williamsburg Area Chamber of Commerce and Convention & Visitors Bureau for \$400,000 to be dedicated to destination marketing. She thanked the Board for its continued support of the tourism industry.

Ms. Shannon Mueller, Williamsburg Hotel-Motel Association, also spoke in support of the Williamsburg Area Chamber of Commerce request for \$400,000.

Dr. Edwin Logan, representing the Jamestown 2007 Stamp and Cachet Project, stated that much of the project would benefit York County both directly and indirectly. He stated that in the recently completed stateside student cache design contest, 3,000 Virginia public and private schools had received a packet of information that included the posters which were handed to the Board prior to the meeting. He stated the poster highlighted the Historic Triangle of which York County is a vital part. Dr. Logan stated the four-month contest has ended, and the adjudication process will begin next week and is being conducted under the auspices of Virginia Department of Education. He noted that the County would receive additional exposure this spring at the World Philatelic Exposition in Washington, D.C., where the cachet design finalists would be recognized and their artwork exhibited. Dr. Logan requested the Board to consider the \$5,000 request that would raise the County to the gold-level donor.

Mr. Keith German, Colonial Services Board, stated the Colonial Services Board provides community-based mental health, mental retardation, and substance abuse services. He thanked the Board for its past support and asked for support of the 2007 budget request. He said the Board members would be hearing from some citizens this evening who would be giving them a first-hand account of the Colonial Services Board's services. He also shared a few of the themes that had driven the budget preparation for 2007 and initiatives its budget would support.

Ms. Gina Thorne, Historic Triangle Substance Abuse Coalition, appeared to ask that the Board assist them in looking at the prevention issues associated with Youth Substance Abuse, particularly in under-aged drinking. She explained that statistics suggest that youth in York County are using alcohol and other drugs more frequently in their homes and at their friends' homes. She requested that the Board consider funding to support an under-aged drinking tip line that would deter alcohol, tobacco, and other drug use in the home by working with local law enforcement and with the schools.

Ms. Vivian E. Burke, representing the Colonial Services Board and Peoples Place, explained all the services that Peoples Place provides to its clients. She asked the Board to continue its support and increase the Colonial Services Board's budget.

Mr. Lawrence Cummings, Peninsula Community Foundation, appeared to ask for assistance to provide seed money for creating The Virginia Peninsula Youth Development Field of Interest Fund. He stated this would not be an annual request but was more in the nature of an endowment for a community. He explained that the primary goal is to provide a location where members of the community who feel that they want to give something back to the community can make a contribution that would be permanently endowed for the community, either for a specific interest or for the community generally. Mr. Cummings stated funds were being requested specifically for youth development, and the Foundation has also requested funds from the cities of Newport News, Hampton, and Poquoson.

Ms. Lisa Thomas, Child Development Resources (CDR), expressed appreciation for the exceptional support CDR receives from the Board and the Department of Community Services for their long-standing commitment to the First Steps Child Care and Development Program. She thanked the County for its strong support of the Colonial Services Board that contracts with CDR to help meet the needs of 225 special needs children. She also requested support for the 556-TOTS line and the Chip program.

Ms. Adrienne Frank, also representing Child Development Resources, appeared to explain the services of the CHIP program, which provides services to improve the health and quality of life for low income pregnant women and young children, birth to age 6. She stated the purpose of CHIP is to strengthen the relationship of the family with a primary health care provider which increases health care and decreases the cost to the community. She noted that CHIP has been a program of Child Development Resources since 2002 as a part of a comprehensive array of services to children and families. She said that during the past year CHIP provided services to some of the most vulnerable children in York County, and that during 2004 and 2005 they

provided more than 200 hours of services to 20 children and 3 pregnant women without any funding from the County.

Ms. Jessica Ortiz, appeared on behalf of the Child Development Resources First Step Program as a consumer to explain how the services she received impacted her life. She requested the Board consider continued funding for the program.

Ms. Katie Green, representing the Colonial Community Criminal Justice Board, thanked the Board for its past funding. She noted she was requesting continued funding for the Criminal Justice Planner and a portion of the Community Correction operating costs. The amount being requested is \$2,300 less than last year as they had reevaluated their service delivery and consolidated services, which resulted in a cost saving. Ms. Green noted that with the planner as dedicated staff to the Justice Board, consistent progress had made in addressing issues that effect many facets of the criminal justice system. She thanked the Board for its consideration.

Mr. Abbitt Woodall, Housing Partnerships, noted this was the Partnerships' 21st year of providing services to the County. He explained the program utilizes volunteer labor to complete emergency home repair services to low-income residents in the counties of York and James City and the City of Williamsburg. He stated the mission of Housing Partnerships is to maintain affordable housing and allow citizens who want to live in the County to continue to live in the County and ensure that is an option for them.

Mrs. Winifred Bragg, Senior Center of York, described the Senior Center as being a successful three-way partnership between the County, the Peninsula Agency on Aging, and the citizens of York County. She said that during 2005 the Center celebrated its 14th anniversary and welcomed over 18,600 visits to the Center. She also said since the Center opened in 1991, it was approaching 200,000 visits to the Center. She thanked the Board and staff for their efforts to support the Center and its goals.

Ms. Kim Hinson, Virginia Air and Space Center, appeared to request \$100,000 to help fund a new project they plan to open in 2007 entitled "In the Spirit of Exploration". She stated this is a regional project of \$10 million, and she pointed out reasons why the Center feels the residents of York County would benefit from this project. The Air and Space Center served over 3,000 school-aged children from York County in its educational programs in fiscal year 2005. Ms. Hinson noted there is a contract with Yorktown Elementary School to provide science programs in the schools. She also said that over 6 percent of the Center's attendance last year was from York County, which equated to 27,000 residents. Ms. Hinson urged the Board to consider the request for \$100,000.

Mr. Todd Bridgford, Virginia Air and Space Center, also requested that the Board consider the request, as many York County citizens visit the Center each year and enjoy its programs and services.

Ms. Virginia Hartmann, Avalon, appeared to explain the services Avalon provides to citizens of the county regarding domestic violence, sexual assault, stalking, and homelessness. She stated that in the fiscal year 2004 they provided emergency shelter to 13 women and 17 children of York County, which consisted of 955 bed nights. She added that this was an increase of 418 bed nights from the prior year. She noted that Avalon also offers a transitional housing program that housed 5 women and 5 children who were York County residents, which totaled 2,133 bed nights. Ms. Hartmann stated that through Avalon's outreach program they served 84 new clients that received crisis intervention, individual support counseling, and court advocacy. She reported that 125 hours of group services were provided, 288 community members and professionals received educational training services, and 91 people received volunteer training. Ms. Hartmann asked the Board to consider Avalon's funding request.

Dr. Michael Canty, York County Video Services Board, thanked the Board for its ongoing support and gave the annual report of the Video Services Board. He said the highlight of the report was the video streaming and indexing that was added to the County website this year that allows citizens to search recorded meetings by subject. He noted that this is an important piece as it allows people outside the County access to the recorded meetings. Dr. Canty noted

that over 1,000 hours of dubbing had been done which was an increase of 300 hours over last year. He stated there is a very strong commitment to local programming in York County, and that it takes about 10 hours of production time to produce one hour of a show. He explained the budget request for video services includes two replacement cameras and two tripods to be used in the field, and half of the costs of the items would be borne by the York County School Division. Dr. Canty said the request also included an update to the sound system in York Hall.

Mr. Daniel Blake Simpson, 115 Wildey Road, questioned the large amounts going to organizations and the tax rate going up. He ask that the Board consider making an adjustment to the tax rate.

Mr. James C. McReynolds, York County Meals On Wheels, reported the positive impact that the Board's funding had on senior citizens of the County. He explained that Meals on Wheels is a volunteer-based, non-profit organization that delivers hot, nutritious meals to citizens. The program is designed to ensure that any York County resident will receive one hot meal every weekday, and no one is refused service because they cannot pay. He reported that the funding received from the County last year helped to subsidize over 4,500 annual meals to an average of 21 recipients per month. He stated that York County funding is almost 60 percent of their total revenue. Mr. McReynolds thanked the Board for its past support and encouraged its continued support.

There being no one else present who wished to speak concerning the proposed FY2007 budget, Chairman Zaremba declared the budget forum closed.

Meeting Recessed. At 8:39 p.m., Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:50 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

CENTRAL ABSENTEE VOTER PRECINCT

Mr. Barnett gave a presentation on proposed Ordinance No. 06-3 to amend the York County Code to provide for a central absentee voter precinct in close proximity to the Registrar's Office for all elections.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-3 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-21.1 TO PROVIDE FOR A CENTRAL ABSENTEE VOTER PRECINCT IN CLOSE PROXIMITY TO THE REGISTRAR'S OFFICE FOR ALL ELECTIONS

There being no one present who wished to speak concerning the subject ordinance, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-3 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-21.1 TO PROVIDE FOR A CENTRAL ABSENTEE VOTER PRECINCT IN CLOSE PROXIMITY TO THE REGISTRAR'S OFFICE FOR ALL ELECTIONS

BE IT ORDAINED by the York County Board of Supervisors, this 21st day of February 2006, that section 9-21.1, York County Code, be and it is hereby amended to read as follows:

Sec. 9-21.1. Central absentee voter election precinct.

- (a) There is hereby established for the County a central absentee voter precinct for all elections as defined by § 24.2-101, Code of Virginia. The polling place of the central absentee voter precinct shall be located in close proximity to the registrar's office.
- (b) The central absentee voter precinct shall conform in all aspects with § 24.2-712, Code of Virginia.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Burgett, Zaremba
 Nay: (0)

VACATION OF UNIMPROVED RIGHT-OF-WAY

Mr. McReynolds gave a presentation on proposed Ordinance No. 06-4 to vacate the unimproved 40-foot right-of-way known as Williams Circle, Holly Point Subdivision, and to vacate a portion of a 5-foot landscape preservation easement across Lot 20, Section A, Holly Point Subdivision.

Mr. Shepperd asked if this was the result of zoning changes or new concepts in development.

Mr. McReynolds stated it was due to changing conditions through the years.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-4 that was duly advertised as required by law and is entitled:

AN ORDINANCE VACATING THE UNIMPROVED 40-FOOT RIGHT-OF-WAY KNOWN AS WILLIAMS CIRCLE LOCATED BETWEEN LOTS 20 AND 21, HOLLY POINT, SECTION "A", AND PARCEL C, PROPERTY OF GREENFIELD HOMES CORP. AND VACATING A PORTION OF A 5-FOOT LANDSCAPE PRESERVATION EASEMENT ACROSS LOT 20, SECTION "A", HOLLY POINT SUBDIVISION

There being no one present who wished to speak concerning the subject ordinance, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-4 that reads:

AN ORDINANCE VACATING THE UNIMPROVED 40-FOOT RIGHT-OF-WAY KNOWN AS WILLIAMS CIRCLE LOCATED BETWEEN LOTS 20 AND 21, HOLLY POINT, SECTION "A", AND PARCEL C, PROPERTY OF GREENFIELD HOMES CORP. AND VACATING A PORTION OF A 5-FOOT LANDSCAPE PRESERVATION EASEMENT ACROSS LOT 20, SECTION "A", HOLLY POINT SUBDIVISION

WHEREAS, pursuant to the provisions of § 15.2-2272(2), Code of Virginia, an application has been filed with the County on behalf of Greenfield Homes Corp., the owner of Parcel C adjoining the Holly Point subdivision (also identified as Tax Parcel No. 30-05-00-000C) to vacate the unimproved 40-foot right-of-way identified as Williams Circle located between Lots 20 and 21 in said subdivision, and the adjacent Parcel C; and

WHEREAS, Williams Circle was created by the recordation of the plat of Holly Point, Section "A", on September 19, 1961, by a plat recorded in Plat Book 6, Page 145 among the land records of York County; and

WHEREAS, Williams Circle has remained a platted but unimproved street, originally created in contemplation of its extension to serve the adjoining Parcel C, which the Board deems to be no longer practical or advisable; and

WHEREAS, Greenfield Homes Corp. is developing Parcel C into a 12-lot subdivision known as Clearwater Cove in accordance with the open space (cluster technique) provisions set forth in Section 24.1-402 of the Zoning Ordinance, such that Williams Circle will not serve as an access between Holly Point subdivision and proposed Clearwater Cove; and

WHEREAS, the need for the subject stub street no longer exists, and County staff has imposed upon the developer as a condition of approval of this subdivision that he initiate an application to vacate this existing Williams Circle 40-foot right-of-way as a prerequisite to recordation of the final plat for Clearwater Cove; and

WHEREAS, the Board, after conducting the required public hearing, and hearing no objection, finds it in the public interest to vacate Williams Circle as shown on a certain boundary line adjustment plat entitled "Boundary Adjustment Plat & Vacation of a 40' Right-of-Way", dated October 5, 2005, prepared by C.E. Newbaker Surveying & Planning, Inc.; and

WHEREAS, this Board also finds it in the public interest to vacate that portion of a 5-foot landscape preservation easement lying across Lot 20, Section "A", Holly Point subdivision, having been created by Instrument Number 030024369 recorded in the York County land records, as such easement abuts vacated Williams Circle;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 21st day of February, 2006, that the unimproved right-of-way between Lots 20 and 21, Holly Point, Section "A", identified as Williams Circle, be and it is hereby vacated, pursuant to the provisions of Code of Virginia section 15.2-2272(2).

BE IT FURTHER ORDAINED that the portion of that 5-foot landscape preservation easement created by recorded Instrument Number 030024369 abutting vacated Williams Circle be, and it is hereby, vacated.

BE IT STILL FURTHER ORDAINED, in accordance with the provisions of § 15.2-2272(2), if no appeal is filed within thirty days after adoption of this Ordinance, and provided further that the conditions set out in the following paragraph shall be fulfilled, that the clerk of this Board shall transmit an attested copy of this ordinance to the Clerk of the Circuit Court so that it may be recorded among the land records of the County.

BE IT STILL FURTHER ORDAINED that this ordinance shall not be in effect unless and until a plat, reviewed and approved by the County, is recorded with this ordinance, which plat shall (1) divide the vacated unopened right-of-way at its centerline, pursuant to the provisions of § 15.2-2274, Code of Virginia, combining each half with the adjacent Lots 20 and 21, and Parcel C and (2) vacate the portion of the existing 5-foot York County Landscape Preservation Easement (Instr. No. 030024369) located along the current eastern property line of Lot 20.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Burgett, Noll, Zaremba
Nay: (0)

GRANT FUNDING APPLICATION

Mrs. Carol White, Director of Financial and Management Services, made a presentation on the proposed use for \$10,427 in grant funds awarded to the Sheriff's Office by the Bureau of Justice Assistance, U.S. Department of Justice, to purchase equipment, and the requirement for the County to receive public input on the proposed use.

Mrs. Noll asked Captain Montgomery of the Sheriff's Office to explain what a tazer was and the equipment needed to go with it.

Captain Ron Montgomery, York County Sheriff's Department, explained the purpose of the requested tazer equipment, stating it was a less lethal weapon used to subdue an individual attempting to escape.

Discussion followed regarding the requested equipment.

Chairman Zaremba then called to order a public hearing, which was duly advertised as required by law, to receive public comments on the proposed use for \$10,427 in grant funds awarded to the Sheriff's Office by the Bureau of Justice Assistance, U.S. Department of Justice, to purchase equipment.

There being no one present who wished to speak concerning the grant funds, Chairman Zaremba closed the public hearing.

APPLICATION NO. UP-693-06 – DOMINION VIRGINIA POWER

Mr. Carter gave a presentation on Application No. UP-693-06 to approve a use permit authorizing a major amendment to a legally conforming special use through the expansion by more than 25 percent of an existing electric substation on property located at 441 Waller Mill Road.

Ms. Gail Lamm, representing Dominion Virginia Power, indicated the expansion would greatly improve the reliability of power to the area, and there have been no objections made to the plans by adjacent property owners. She stated they have met with County staff on the site plan process, and there may be some adjustment to the landscaping.

Mr. Bowman asked how much noise the additional equipment will generate.

Ms. Lamm stated that noise comes from the transformers, and they are installing breakers which do not cause noise.

Discussion followed regarding security for the expansion.

Chairman Zaremba called to order a public hearing on Application No. UP-693-06 that was duly advertised as required by law. Proposed Resolution R06-17 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE
A MAJOR EXPANSION OF A CONFORMING ELECTRIC SUBSTA-
TION LOCATED AT 441 WALLER MILL ROAD

There being no one present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R06-17 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE
A MAJOR EXPANSION OF A CONFORMING ELECTRIC SUBSTA-
TION LOCATED AT 441 WALLER MILL ROAD

WHEREAS, Dominion Virginia Power owns and operates an electric substation on a 3.08-acre parcel located at 441 Waller Mill Road and further identified as Assessor's Parcel No. 6-18 (GPIN# D-16d-4872-1229); and

WHEREAS, the referenced substation constitutes a conforming Special Use pursuant to Section 24.1-115(c)(4) of the York County Zoning Ordinance; and

WHEREAS, Dominion Virginia Power has submitted Application No. UP-693-06, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to request authorization to expand the referenced substation by approximately 67 percent, which constitutes a major amendment that must be approved in the same manner and under the same procedures as are applicable to issuance of an original Special Use Permit; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of February, 2006, that Application No. UP-693-06 be, and it is hereby, approved to authorize the expansion of a legally conforming electric substation on a 3.08-acre parcel located at 441 Waller Mill Road and further identified as Assessor's Parcel No. 6-18 (GPIN# D-16d-4872-1229) subject to the following conditions:

1. This approval shall authorize the expansion of an existing conforming electric substation located at 441 Waller Mill Road and further identified as Assessor's Parcel No. 6-18 (GPIN# D-16d-4872-1229).
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction or land disturbing activity in connection with the expansion. Said site plan shall be in substantial conformance with the concept plan submitted by the applicant and received by the York County Planning Division November 30, 2005, as supplemented by the applicant's project narrative, titled "Narrative, Waller Substation Expansion," and the scope of work titled "Scope of Work, Project No. 94-1954," copies of which shall remain on file in the office of the Planning Division.
3. In accordance with the referenced concept plan, trees and/or shrubs shall be planted around the perimeter of the substation to buffer views from surrounding properties and Waller Mill Road.
4. The expansion shall be in conformance with the performance standards set forth in Section 24.1-493, *Standards for all utilities uses*, of the Zoning Ordinance.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

On roll call the vote was:

Yea: (5) Shepperd, Burgett, Noll, Bowman, Bowman, Zaremba
Nay: (0)

CONSENT CALENDAR

Mr. McReynolds recommended that proposed Resolution R06-18 to appoint Mrs. Noll to the Colonial Community Criminal Justice Board be added to the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 5 and 6, respectively, with the addition of proposed Resolution R06-18.

On roll call the vote was:

Yea: (5) Burgett, Noll, Bowman, Shepperd, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 17, 2006, Regular Meeting
January 24, 2006, Adjourned Meeting

Item No. 6. DISASTER RELIEF PROGRAM: Resolution R06-20

A RESOLUTION TO ADOPT THE PROGRAM MANAGEMENT PLAN
AND PROJECT DESIGN FOR THE DISASTER RELIEF PROGRAM
FROM THE VIRGINIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

WHEREAS, the County has received approval for funding in the amount of \$800,000 for assistance to families burdened with the impact of Hurricane Isabel, and the Virginia Department of Housing and Community Development requires that all Program Designs be approved by the elected Boards of recipient localities; and

WHEREAS, the County staff has developed a Program Management Plan and Project Design to provide guidance on how the activities of the grant will be managed, how funding will be distributed, and how to ensure the completion of work for County residents who still have work to complete;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of February, 2006, that the Program Management Plan and Project Design for the Disaster Recovery Grant 05-DRP-07 as attached to the County Administrator's memorandum to the Board of Supervisors dated February 5, 2006, be, and it is hereby, adopted.

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD: Resolution R06-18 (Added to Consent Calendar)

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-
TIVE TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE
BOARD

BE IT RESOLVED by the York County Board of Supervisors this the 21st day of February 2006, that Sheila S. Noll be, and she is hereby, appointed as a York County representative to the Colonial Community Criminal Justice Board to fill the unexpired term of Walter C. Zarembo, such term to expire December 31, 2006.

NEW BUSINESS

APPROVAL OF 2005 MINUTES

Mr. McReynolds explained that since Mr. Zarembo was not the Chairman at the time of the subject meetings held in 2005, the Code of Virginia required that the minutes be read prior to their approval and that the current Chairman be authorized to sign them.

Chairman Zarembo polled the Board members, determining that each of them had read the minutes of the following meetings:

December 6, 2005, Regular Meeting
December 20, 2005, Regular meeting

February 21, 2006

Mrs. Noll then moved that the minutes of the above-listed 2005 Board of Supervisors' meeting be approved and that Chairman Zaremba be authorized to sign such.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Burgett, Zaremba
Nay: (0)

CLOSED MEETING. At 9:16 p.m. Mr. Bowman moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to the sale or purchase of real property to be used for a public purpose.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Burgett, Noll, Zaremba
Nay: (0)

Meeting Reconvened. At 9:56 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of February, 2006, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Burgett, Noll, Bowman, Zaremba
Nay: (0)

Meeting Adjourned. At 9:58 p.m. Chairman Zaremba declared that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors

